

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRANK CARABALLO,

Plaintiff,

-against-

WARDEN PLILER, et al.,

Defendants.

ORDER OF SERVICE

21-CV-10476(PMH)

PHILIP M. HALPERN, United States District Judge:

Plaintiff, who is currently incarcerated at FCI Otisville, originally brought this *pro se* action in the United States District Court for the Northern District of New York, which transferred it here. Plaintiff invokes *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and asserts claims in connection with his infection with Covid-19 at FCI Otisville and his medical treatment there.

By Order dated December 16, 2021, the Court granted Plaintiff's request to proceed *in forma pauperis* ("IFP"), that is, without prepayment of fees.¹ On February 16, 2022, the Court dismissed without prejudice Plaintiff's claims against "Jane Doe." (Doc. 13).

DISCUSSION

Pursuant to the Court's February 16, 2022 Order of Service, the United States Marshals Service has served the individual defendants, all of whom appear to be federal officers or employees. The Clerk of Court was not instructed in that Order to mark the box, on the U.S. Marshals Service Process Receipt and Return form, labeled "Check for service on U.S.A." As a result, the United States was not separately served by delivering a copy of the summons and

¹ Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

complaint to the United States Attorney for the Southern District of New York and the United States Attorney General.

Accordingly, the Court directs the Clerk of Court to send a copy of the summons and complaint by registered or certified mail to the United States Attorney for the Southern District of New York, *see* Fed. R. Civ. P. 4(i)(1)(A), and send a copy of the summons and complaint by registered or certified mail to the United States Attorney General, *see* Fed. R. Civ. P. 4(i)(1)(B).

CONCLUSION

The Clerk of Court is instructed to send a copy of the summons and complaint by registered or certified mail to the United States Attorney for the Southern District of New York at the following address: United States Attorney's Office, Southern District of New York, Civil Division, 86 Chambers Street, Third Fl., New York, N.Y. 10007.

The Clerk of Court is instructed to send a copy of the summons and complaint by registered or certified mail to the United States Attorney General: Attorney General of the United States, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530-2000.

SO ORDERED.

Dated: May 16, 2022
White Plains, New York



PHILIP M. HALPERN
United States District Judge